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TREE EQUIPMENT, INC.

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

KIEWIT INFRASTRUCTURE WEST
CO., INC., for itself and its subrogated
insurers,

Plaintiff,
v.

SAMSON ROPE TECHNOLOGIES,
INC.; WESSPUR TREE &
EQUIPMENT, INC.; and DOES I
through 50.

Defendants.

AND RELATED CROSS-ACTIONS.

Case No. 2:20-cv-00527-TLN-AC

**REQUEST FOR ORDER
DISMISSING THIRD-PARTY
COMPLAINT OF WESSPUR TREE
EQUIPMENT, INC. AGAINST
DANNY'S CONSTRUCTION
COMPANY, LLC PURSUANT TO
SETTLEMENT; ORDER**

Complaint Filed: November 14, 2019

Defendant/Third-Party Plaintiff/Third-Party Defendant, WESSPUR TREE
EQUIPMENT, INC. ("WesSpur") respectfully requests, pursuant to Rule 41(a)(2) of
the Federal Rules of Civil Procedure, that the Court enter an order dismissing
WesSpur's third-party complaint against Third-Party Defendant Danny's Construction
Company, LLC ("Danny's"), with prejudice and with each party to bear own costs,
fees, and expenses.

Additionally, WesSpur respectfully requests a similar dismissal of WesSpur's
Cross-Complaint against Samson Rope Technologies ("Samson"), Docket #14,
originally filed in the Central District matter, Case No.: 8:19-cv-02501-DOC-ADS.

1 All parties to this action have entered into a global settlement of this matter,
2 and WesSpur now wishes to dismiss its third-party complaint against Danny's and the
3 Cross-Complaint against Samson in accordance therewith.

4 WesSpur respectfully requests that the Court enter an order accordingly without
5 hearing and in the form of the order below as provided for by Local Rule 143.

6
7 Dated: June 7, 2021

TYSON & MENDES, LLP

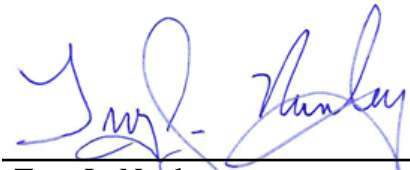
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9 By: 

10 Patrick J. Mendes, Esq.
11 David P. Ramirez, Esq.
12 Richard D. Seely, Esq.
13 Attorneys for Defendant,
14 WESSPUR TREE EQUIPMENT, INC.

15 **ORDER**

16 Pursuant to the foregoing request, IT IS SO ORDERED. Samson Rope
17 Technologies, Inc.'s third-party complaint against Danny's Construction Company,
18 LLC is hereby dismissed with prejudice, with each party to bear own costs, fees, and
19 expenses.

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21 DATED: June 7, 2021


22 Troy L. Nunley
23 United States District Judge
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